

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

June 2, 2005

A meeting of the Board of Environmental Protection was held on Thursday, June 2, 2005, at the Holiday Inn / Ground Round in Augusta, Maine. Virginia Plummer, Acting Chair, called the meeting to order at 10:00 a.m. with the following individuals present:

Board: Nancy Anderson, Irving Faunce, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott, Jean T. Wilkinson, and Nancy Ziegler

Absent: Richard Wardwell

<u>Staff:</u>	<u>Bureau of Air Quality</u>	Jeffrey Crawford
	<u>Bureau of Land and Water Quality</u>	Dennis Merrill
	<u>Bureau of Land and Water Quality</u>	Andrew Fisk

Others: David P. Littell, Deputy Commissioner
Mary Sauer, Assistant Attorney General
Cynthia Bertocci, Executive Analyst

(Meeting adjourned at approximately 2:30 p.m.)

Draft

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS: Deputy Commissioner David Littell reported the following:

Board Jurisdiction: The Commissioner received a request for Board jurisdiction over the application by McGee Construction for a variance to operate a gravel pit that is larger than 10 acres. Because of the large amount of public interest and interest in gravel pit operations at the Legislative level, Commissioner Gallagher will likely ask the Board to consider assuming jurisdiction over this matter.

Legislature: *Bond.* Bond discussions are on-going. Additionally, the Part I Budget may need to be considered again as a result of a citizen led referendum action in opposition to the provision that would allow the State to borrow funds to bridge the gap in the general fund. If the citizen initiative is successful, agencies will be expected to share the budget reductions to meet the general fund gap. If additional cuts are needed, some programs (e.g. TANIF, Education) may be exempt which could result in even larger reductions for other agencies. *Stormwater.* The stormwater bill was passed out of Legislature and will return to the Board for final adoption.

Questions: Board member Irving Faunce asked about the status of the auto emissions rule and when it will become effective.

Deputy Commissioner Littell explained that Governor Baldacci signed the ZEV [zero emission vehicle] bill two days ago. The Department will ask the Board to consider final adoption of the rule which will be filed with the Secretary of State for an effective date.

B. CHAIRMAN'S COMMENTS: None

C. EXECUTIVE ANALYST COMMENTS: None

D. BOARD CALENDAR: Reviewed

E. DEPARTMENTAL ORDERS: Reviewed

F. EXECUTIVE SESSION: None

II. CONSENT AGENDA ITEMS

The Board voted (8-0-0-1) on a motion to approve consent agenda items 1, 2, 3, 4, and 5 as presented.

Board members Nancy Anderson, Irving Faunce, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott, Jean T. Wilkinson, and Nancy Ziegler voted to support the motion. Board member Richard Wardwell was absent

1. COUNTY CONCRETE & CONSTRUCTION CO., Columbia Falls – Administrative Consent Agreement and Enforcement Order (BAQ)
2. CITY OF OLD TOWN, Old Town - Administrative Consent Agreement and Enforcement Order (BLWQ – Water)
3. THOMAS MASSEY, LTD., South Bristol – Administrative Consent Agreement and Enforcement Order (BLWQ – Water)
4. ROBERT RAY, Ellsworth – Administrative Consent Agreement and Enforcement Order (BLWQ – Land)
5. PORTLAND DIVERSIFIED SERVICES, INC., Westbrook – Administrative Consent Agreement (BRWM)

III. Regular Agenda

1. STATE IMPLEMENTATION PLAN (SIP) – 15 Percent Rate of Progress Plan, 5 Percent Increment of Progress Plan, Motor Vehicle Emissions Budget and 2002 Base Year Inventory / AMENDMENT (adoption*)

Staff: Jeff Crawford, Bureau of Air Quality

The Board voted (8-0-0-1) on a motion to adopt amendments to the State Implementation Plan (SIP), 15 Percent Rate of Progress Plan, 5 Percent Increment of Progress Plan, Motor Vehicle Emissions Budget and 2002 Base Year Inventory as proposed. The vote was taken pursuant to 38 M.R.S.A. Sections 341-D and 585-A, and Section 107(a) of the 1990 Clean Air Act Amendments.

Board members Nancy Anderson, Irving Faunce, Donald Guimond, Ernest Hilton, Virginia Plummer, Matt Scott, Jean T. Wilkinson and Nancy Ziegler voted to support the motion. Board member Richard Wardwell was absent.

INFORMATIONAL SESSION

Green House Gas Initiative
Malcolm Burson, Office of the Commissioner

BOARD RECONVENED AT 1:00 TO CONDUCT A PUBLIC HEARING IN THE MATTER OF:

**CHAPTER 530, SURFACE WATER TOXICS CONTROL PROGRAM AND
CHAPTER 584, SURFACE WATER QUALITY CRITERIA FOR TOXIC POLLUTANTS**

Next Regular Board Meeting – Thursday, June 16, 2005 – Holiday Inn / Ground Round, Augusta